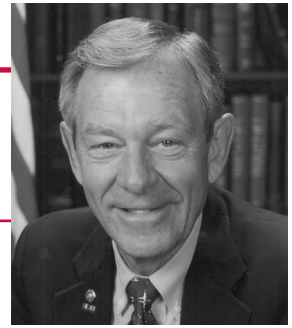


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## U.S. SENATOR GEORGE VOINOVICH

### Health Care Access and Medical Liability Reform

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Access to quality health care is at risk for many Ohioans. Because of frivolous lawsuits, the cost of medical malpractice insurance has risen so high and fast in recent years that many doctors are being forced to close up their practices or move out of state. This restricts access to quality health care, especially in already medically underserved areas, including many rural counties in Ohio.

Senator Voinovich has been and continues to be a national leader on the issue and is working with his colleagues in the Senate to ensure that reforms are made to help patients have better access to the care they need.

#### Taking Lawsuit Abuse Head On: Legislative Action

Since his days as governor of Ohio, George Voinovich has been concerned with what he calls the “litigation tornado” that is sweeping through Ohio, as well as the nation.

As a member of the U.S. Senate, he has continued to help remedy the devastating impact of unnecessary litigation in Ohio and around the country. In October, Senator Voinovich addressed the “Future of Medicine” summit which was sponsored by the Ohio State Medical Association. He had the privilege of introducing Senate Majority Leader Bill Frist (R-TN) as the keynote speaker who discussed the need for medical lawsuit abuse reform.

Additionally, Senator Voinovich has cosponsored several important pieces of legislation that would bring needed reforms to medical liability, provide vital relief for medical professionals and help provide patients with continued access to the physicians they have come to know and trust. These include:

- **The HEALTH Act**, which would abolish “joint and several” liability by establishing a fair share rule whereby parties can only be held liable for their own share of damages. Unless otherwise restricted by state law, the bill would limit unquantifiable non-economic damages (e.g., pain and suffering) to \$250,000; empower courts to maximize patients’ awards by supervising payment arrangements to attorneys and in contingency cases; and limit punitive damages to the greater of two times the amount of economic damages or \$250,000.
- **The Patient’s First Act**, which establishes a fair share rule whereby parties can only be held liable for their own share of damages; limits unquantifiable

non-economic damages to \$250,000; empowers courts to maximize patients’ awards by supervising payment arrangements to attorneys and in contingency cases; and limits punitive damages to the greater of two times the amount of economic damages or \$250,000.

- **The Healthy Mothers and Healthy Babies Access to Care Act**, which would provide medical liability protection to those physicians who provide prenatal, delivery and post-partum care to mothers and babies, while protecting doctors and hospitals from being held liable for harms they did not cause. Among other provisions, the bill would limit non-economic damages to \$250,000 and allow the court to limit attorney contingency fees.

#### Ohio’s Tort Reform Bill

In 1996, as governor of Ohio, George Voinovich signed into law legislation to reform Ohio’s civil justice system to bring an end to the “lottery” mentality many plaintiffs have toward lawsuits. The law contained significant changes, including caps on non-economic and punitive damages, and important changes to liability and causation. Unfortunately, three years later the bill was struck down by the Ohio Supreme Court in a 4-3 decision.

#### New Medicare Reforms Will Provide Better Access to Doctors

Ohioans over 65 years old depend on Medicare for their health care. With reimbursement rates to doctors having faced repeated reductions in recent years, many are faced with the possibility of having to turn away Medicare patients. Senator Voinovich supported increasing Medicare reimbursement rates for doctors so that seniors can continue to have access to medical care they need.

The new Medicare prescription drug legislation will increase Medicare physician payments by 1.5 percent in 2004 and 2005. The new plan will also provide better stability in the Medicare reimbursement rate paid to doctors by utilizing a new formula which is based on a 10-year rolling average measure of GDP instead of the current one-year measure.

